



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2763

DATE SCANNED 3/14/14

SCANNER NO. 2

SCAN OPERATOR CEJ

14092694349



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 NOV -1 PM 3: 25

November 1, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrack *PCO/NUF*
Chief Compliance Officer

Debbie Chacona *DC/NUF*
Assistant Staff Director
Reports Analysis Division

BY: Kristin DeCarmine/Sari Pickerall *KD* *JP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2013 September Monthly Report for
the Administrative Fine Program

Attached is the name of a political committee and its treasurer who failed to file the 2013 September Monthly Report in accordance with 2 U.S.C. 434(a). The September Monthly Report was due on September 20, 2013.

The committee listed in the attached RTB Circulation Report filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, this committee should be assessed the civil money penalty highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committee and its treasurer listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letter.

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Federal Election Commission
Reason to Believe Circulation Report
2013 SEPTEMBER MONTHLY Not Election Sensitive 09/20/2013 P_UNAUTH

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|---|----------------|--------------|-----------|----|--------------|-----------|---------|-------------|
| 2763 | C00261891 | REPUBLICAN CENTRAL COMMITTEE OF LOS ANGELES COUNTY (FED. ACCT.) | | ALBERT GERSH | \$126,315 | 0 | 10/28/2013 | Not Filed | \$4,800 | \$275 |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –) AF 2763
2013 September Monthly Report for the)
Administrative Fine Program:)
Republican Central Committee of Los)
Angeles County (Fed. Acct) and Albert)
Gersh, treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 05, 2013, the Commission decided by a vote of 6-0 to take the following actions in AF 2763:

1. Find reason to believe that Republican Central Committee of Los Angeles County (Fed. Acct) and Albert Gersh, treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be in the amount of \$275.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 5, 2013
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 6, 2013

Albert Gersh, in official capacity as Treasurer
Republican Central Committee of Los Angeles County (Fed. Acct.)
1901 W Magnolia Boulevard
Burbank, CA 91506

C00261891
AF#: 2763

Dear Mr. Gersh:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a September Monthly Report of Receipts and Disbursements covering the period August 1, 2013 through August 31, 2013. This report shall be filed no later than September 20, 2013. 2 U.S.C. 434(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On November 5, 2013, the FEC found that there is reason to believe ("RTB") that Republican Central Committee of Los Angeles County (Fed. Acct.) and you, in your official capacity as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before September 20, 2013. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$275. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$275 is due within forty (40) days of the finding, or by December 15, 2013, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$4,800

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

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If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or December 15, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Republican Central Committee of Los Angeles County (Fed. Acct.) and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

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action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

If you make a payment in an amount less than the calculated civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Ellen L. Weintraub

Ellen L. Weintraub
Chair

14092094553

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$275 for the 2013 September Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by December 15, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Republican Central Committee of Los Angeles County (Fed. Acct.)

FEC ID#: C00261891

AF#: 2763

PAYMENT DUE DATE: December 15, 2013

PAYMENT AMOUNT DUE: \$275

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 FEB -7 AM 9:11

SENSITIVE

February 6, 2014

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickerall *KDR*
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2013 September Monthly Report

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2013 September Monthly Report. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer listed on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

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2/6/2014 2:16 PM

Federal Election Commission
FD Circulation Report Fine Paid
2013 SEPTEMBER MONTHLY Not Election Sensitive 09/20/2013 P_UNAUTH

| AF# | Committee Name | Candidate Name | Committee ID | Treasurer | Receipt Date | Days Late | LOA | PV | RTB Date | RTB Penalty | Final Money Penalty | Date Paid | Amount Paid |
|------|---|----------------|--------------|--------------|--------------|-----------|---------|----|------------|-------------|---------------------|------------|-------------|
| 2763 | REPUBLICAN CENTRAL COMMITTEE OF LOS ANGELES COUNTY (FED. ACCT.) | | C00261891 | ALBERT GERSH | 10/28/2013 | Not Filed | \$4,800 | 0 | 11/05/2013 | \$275 | \$275 | 12/10/2013 | \$275 |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Program - Final)
Determination Recommendation for the)
September Monthly Report:)
REPUBLICAN CENTRAL COMMITTEE) AF# 2763
OF LOS ANGELES COUNTY (FED.)
ACCT.), and GERSH, ALBERT as)
treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 10, 2014 the Commission took the following actions on the Administrative Fines Program - Final Determination Recommendation for the September Monthly Report as recommended in the Reports Analysis Division's Memorandum dated February 06, 2014, on the following committees:

AF#2763 Decided by a vote of 6-0 to: (1) make a final determination that REPUBLICAN CENTRAL COMMITTEE OF LOS ANGELES COUNTY (FED. ACCT.), and GERSH, ALBERT as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 11, 2014
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

14092694355



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Albert Gersh, in official capacity as Treasurer
Republican Central Committee of Los Angeles County (Fed. Acct.)
1901 W Magnolia Boulevard
Burbank, CA 91506

C00261891
AF#: 2763

Dear Mr. Gersh:

On November 5, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Republican Central Committee of Los Angeles County (Fed. Acct.) and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for filing late or failing to file the 2013 September Monthly Report. By letter dated November 6, 2013, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$275 in accordance with the schedule of penalties at 11 CFR § 111.43.

On December 10, 2013, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on February 10, 2014 that Republican Central Committee of Los Angeles County (Fed. Acct.) and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$275 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Lee E. Goodman".

Lee E. Goodman
Chairman

14032694360

14092694361

FOR: Republican Central Committee of Los Angeles County (Fed. Acct.)

FEC ID#: C00261891

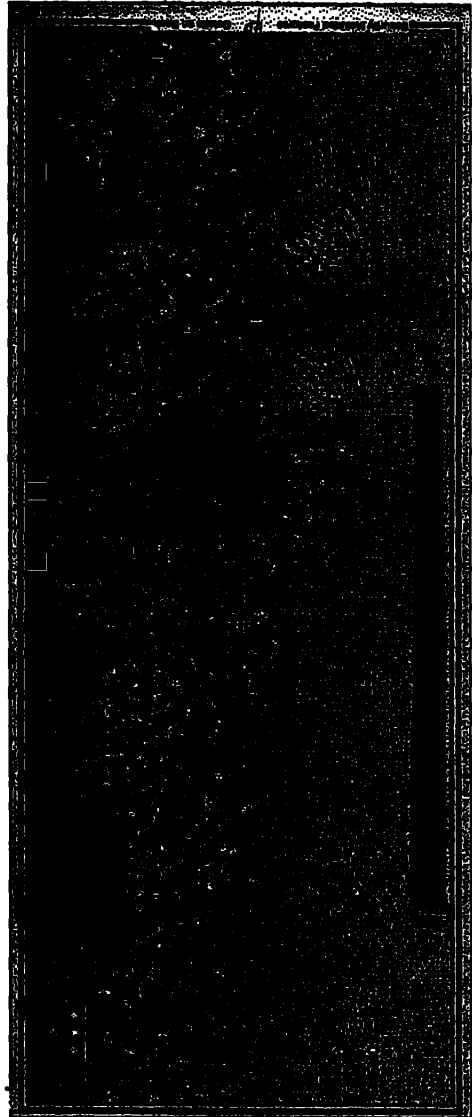
AF#: 2763

PAYMENT DUE DATE: December 15, 2013

PAYMENT AMOUNT DUE: \$275

6/10/10
[Signature]

FEDERAL ELECTION COMMISSION Lockbox: GLX-979058 Ledger Date 12/09/2013



usbank.
St. Louis GA Lockbox
(314) 425-1818

| Batch | Item | TID | Batch Total | Amount |
|-------|------|-----------|-------------|----------|
| 1 | 2 | Y-4421806 | \$987.00 | \$275.00 |



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2163

DATE SCANNED 3/14/14

SCANNER NO. 2

SCAN OPERATOR EES

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